

IN RE: PETITION FOR ZONING VARIANCE
SE/Corner Berwick & Locust Aves.
(1314 Locust Avenue)
9th Election District
4th Councilmanic District
Douglas E. Mattox, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-342-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 35 feet in lieu of the required 40 feet for a proposed garage addition in accordance with Petitioner's Exhibit 1.

The Petitioners, by Mrs. Mattox, appeared and testified. Also appearing and testifying on behalf of the Petition was William F. Shafer, Petitioner's architect. There were no Protestants.

Testimony indicated that the subject property, known as 1314 Locust Avenue, consists of 2 acres more or less zoned D.R. 2 and is currently improved with a single family dwelling and attached garage. Petitioners propose renovating the existing two-car garage to accommodate three vehicles by constructing a 10' x 24' addition on the east side of the existing facility. Due to the layout of the land and existing improvements, the proposed garage addition will fall within the limits of the rear yard setback requirements. Petitioners testified to grant the variance requested would not create any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of March, 1989 that the Petition for Zoning Variance to permit a rear yard setback of 35 feet in lieu of the required 40 feet for a proposed garage addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioners shall not allow or cause the proposed garage addition to be converted to a second dwelling unit and/or apartments. The garage addition shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

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PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.3.B. To permit a rear yard setback of 35 feet in lieu of the required 40 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. The Owner desires to renovate an existing attached two-car garage structure into an attached three-car garage structure.

2. The proposed 10'x24' addition described above reduces the rear yard setback to 35'-0". The property is currently zoned D.R.2 and therefore requires a 40'-0" rear yard setback.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

(Type or Print Name)

Signature

Address

City and State

Signature

Address

City and State

Address

City and State

Address

City and State

Address

City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of March, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of Feb, 1989, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date:

Mr. & Mrs. Douglas E. Mattox
1314 Locust Avenue
Baltimore, Maryland 21204

Re: Petition for Zoning Variance
CASE NUMBER: 89-342-A
SEC Berwick and Locust Avenues
1314 Locust Avenue
9th Election District - 4th Councilmanic
Petitioner(s): Douglas E. Mattox, et ux
HEARING SCHEDULED: THURSDAY, FEBRUARY 23, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Mattox:

Please be advised that 110.29 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 106, Towson, Maryland 21204 fifteen (15) minutes before the hearing.

BALTIMORE COUNTY, MARYLAND		No. 005803	
OFFICE OF FINANCE - REVENUE DIVISION		MISCELLANEOUS CASH RECEIPT	
DATE	24 FEB 89	ACCOUNT	2-01-615-100
AMOUNT	\$ 110.29		
RECEIVED FROM	MS MATTOX		
FOR	25 MAR 89 MATTOX (89-342-A)		
VALIDATION OR SIGNATURE OF CASHIER			

ZONING DESCRIPTION

BEGINNING FOR THE SAME in the center of Locust Avenue at the beginning of the land which by Deed dated July 17, 1911 and recorded among the Land Records of Baltimore County in Liber WPC No. 383, folio 20, etc. was conveyed by Edward H. Rider executor to Stuart Olivier and wife said place of beginning being at the intersection of the center line of Locust Avenue forty feet wide and the center line of Berwick Avenue thirty feet wide and running thence binding on the center line of Locust Avenue south five degrees forty six minutes east one hundred and thirty seven and five tenths feet and south one degree fifty four minutes west thirty and five tenths feet thence south eighty seven degrees twenty eight minutes east two hundred and thirty feet thence south fifty three degrees hundred and thirty feet thence south fifty three degrees nine minutes east one hundred and sixty three feet to an iron pipe at the end of the north seventeen degrees eleven minutes west one hundred and fifty feet line of the land conveyed as aforesaid by Rider executor to Olivier and wife and to the center of a twenty foot avenue thence binding on said land and on the center of said twenty foot avenue the two following courses and distances viz north six degrees twenty one minutes east fifty feet to an iron pipe and north twenty four degrees eleven minutes east twenty one feet thence north fifty three degrees fourteen minutes west sixty six feet thence north thirty six degrees forty six minutes east fifty two and six tenths feet to intersect the north forty degrees twenty five minutes east fifty foot line of the aforesaid land and to the center of the aforesaid twenty foot avenue thence binding on said land and on the center of said twenty foot avenue north forty five degrees twenty five minutes east twenty five and seven tenths feet to and iron pipe thence north thirty eight degrees fifty six minutes west three hundred and forty feet to the center of Berwick Avenue thence binding on the center of said Avenue south sixty one degrees forty six minutes west two hundred and fifty one and five tenths feet to the place of beginning. Containing two acres of land more or less

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-342-A

District 9th Date of Posting 2-1-89
Posted for: Variance
Petitioner: Douglas E. Mattox, et ux
Location of property: SE/Corner of Berwick and Locust Avenues
1314 Locust Ave.
Location of Sign: Plan front of 1314 Locust Avenue
Remarks:
Posted by: J. Robert Haines Date of return: 2-1-89
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 10, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 9, 1989.

THE JEFFERSONIAN,

S. Zabo
Publishers

PO 09615
reg M 25238
cs 89-342-A
price \$37.45

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

January 23, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-342-A
SEC Berwick and Locust Avenues
1314 Locust Avenue
9th Election District - 4th Councilmanic
Petitioner(s): Douglas E. Mattox, et ux
HEARING SCHEDULED: THURSDAY, FEBRUARY 23, 1989 at 2:00 p.m.

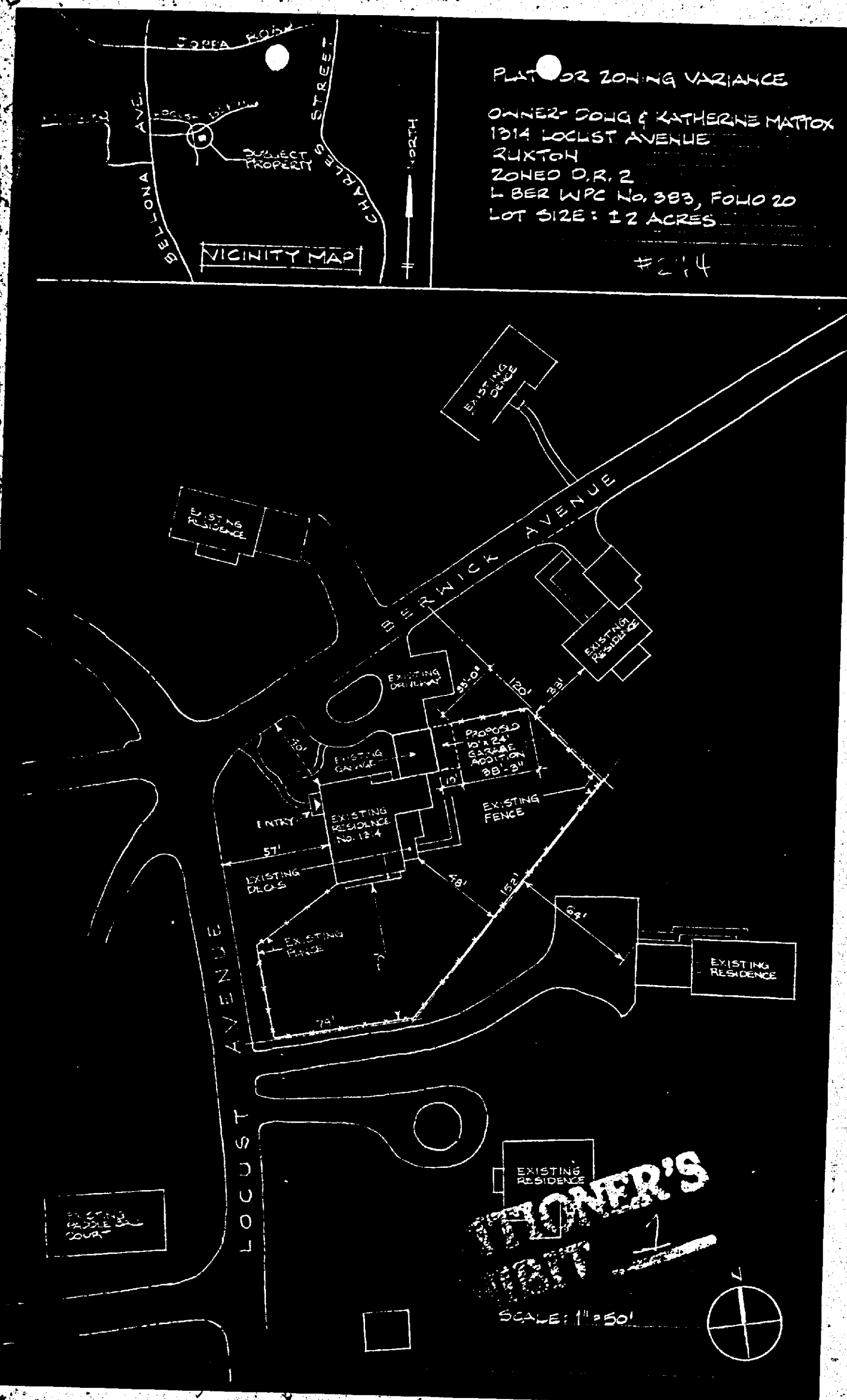
Variance to permit a rear yard setback of 35 feet in lieu of the required 40 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Douglas E. Mattox, et ux
File



89-342-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
21st day of December, 1988

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Douglas E. Mattox, et ux Received by: James E. Dyer
Petitioner's Attorney: Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 9, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Douglas E. Mattox
1314 Locust Avenue
Baltimore, MD 21204

RE: Item No. 244, Case No. 89-342-A
Petitioner: Douglas E. Mattox, et ux
Petition for Zoning Variance

Dear Mr. Mattox:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:gw

Enclosures

cc: Mr. William F. Shafer, A.I.A.
4205 Underwood Road
Baltimore, MD 21218

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

December 29, 1988

Paul H. Reinke
Chief

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Douglas E. Mattox, et ux
Location: SE corner of Berwick and Locust Avenues
Item No.: 244
Zoning Agenda: Meeting of 12/20/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *James E. Dyer* 12/29/88
Planning Group
Special Inspection Division

NOTED & APPROVED: *Dennis F. Rasmussen*
Fire Prevention Bureau

/s/

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554

January 17, 1989

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 199, 205, 209, 237, 238, 239, 240, 241, 243, 244, 245, 246, and 247.

Richard S. Plamiger
Richard S. Plamiger
Traffic Engineer Associate II

MSF/lvw